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but merely an arbitrary limitation, the answer is "that the legality of the contract does not depend upon a valuation which shall have a relation to the actual worth of the property." This cuts the Gordan Knot and leaves nothing to discuss. It makes the Act to regulate commerce and its amendments cut the ground from under all those prior cases so long relied upon, which spoke of "an agreed value fairly made". "If the rates were unreasonable it is for the Commission to correct them upon proper proceedings. If this were not so, the Interstate Commerce Act would fail to make effective one of its prime objects, the prevention of discrimination among shippers."

It has required nine years to secure this authoritative and final interpretation of the CARMACK AMENDMENT. It is final for just ten days, and then Congress makes a new attempt to prevent the carrier from reducing his liability to the shipper, as he was permitted to do under this view of the statute. How long will it require to determine the meaning of the CUMMINS ACT? Would it not be better for the carriers to cease this struggle to escape liability, and save the expense of this costly litigation, by cheerfully taking up insurance at a proper charge therefor? We are informed that they are now appearing before the Interstate Commerce Commission to urge that the higher tariffs now on file with the Commission fix proper charges under the CUMMINS ACT but these higher charges bear such widely varied differences from the lower charges in the tariffs of different carriers that they are evidently not fixed on any principle and therefore can scarcely be accepted as properly based. The result should be, it would seem, a scientific attempt by the Commission to determine cost of insurance, and to add this cost to the present prevailing tariffs. E. C. G.

MATRIMONIAL STATUS GOVERNED BY THE DOMICILIARY LAW.—The question of the validity and effect, in Michigan, of a marriage there contracted by two domiciled residents of Illinois, one of whom was at the time forbidden by Illinois law to contract a marriage, was recently presented to the Supreme Court of Michigan, and that court seems to have taken the view that such marriage was not valid in Michigan. *People* v. *Steere,* (Mich. 1915) 151 N. W. 617.

The facts were as follows: Defendant had been domiciled in Illinois since 1896. His first wife was granted a divorce in April, 1913, and the court decreed that neither party should marry again within the time forbidden by statute, unless they should re-marry each other. A statute in Illinois provides that neither of the divorced parties shall marry again within one year after the granting of the decree and that if they do the marriage shall be void, unless they should marry each other. HURD'S REV. STAT., Ch. 40, § 2. Within one year after defendant had been divorced from his first wife, he and Shirley Ross went to Michigan for the purpose of evading the Illinois marriage law and were there married and returned immediately to Illinois. A few weeks later Shirley went to her father's home in Michigan with defendant's consent, and defendant visited her there twice. Later he remarried his former wife in Illinois and has refused to support Shirley Ross; whereupon he was indicted and convicted on a charge of wife-abandonment. He

brings the case to the Supreme Court by writ of error, and the court saying that the case was one of first impression, came to the conclusion that defendant had not abandoned his wife in Michigan.

The decision is unsatisfactory in that it is impossible to say whether the court rested its decision on the ground that the abandonment did not occur in Michigan or on the ground that the marriage was not considered valid in Michigan. If the ground of the court's conclusion was that defendant had not abandoned Shirley in Michigan, there may be serious doubt as to the correctness of the court's conclusion. Shirley was in Michigan with defendant's consent, he was, therefore, not absolved from his legal duty to support her where she resided. It is well recognized that when husband and wife separate by mutual consent, he must still maintain her. *Frost* v. *Willis,* 13 Vt. 202, *Lockwood* v. *Thomas,* 12 Johns. 248. One can be held criminally liable for a criminal act only at the place where it occurred, but the personal presence of the accused is not always an indispensable element in fixing the local jurisdiction of a criminal offense. A crime, in legal contemplation, is committed in the place where the act takes effect; in this way one may even perpetrate an offense against a state or county within whose jurisdiction he has never been. 1 BISHOP, NEW CRIM. LAW, 110-111; *Rex.* v. *Johnson,* 7 East. 65; *Com.* v. *Blanding,* 3 Pick. 304. It has repeatedly been held that the crime of abandoning one's wife is properly laid in the county to which the accused sent her, and where she became dependent, although he may never have been in that county. *In re Price,* 168 Mich. 527; *Bennefield* v. *State,* 80 Ga. 107; *State* v. *Peabody,* 25 R. I. 544; *Johnson* v. *People,* 66 Ill. App. 103; *State* v. *Dvoracek,* 140 Ia. 266. By parity of reasoning it would appear that the abandonment took place in Michigan, where Shirley resided with defendant's consent and where she became destitute.

If the court based its decision on the ground that the marriage was not valid in Michigan, it announces a further limitation upon the rule that a marriage valid where contracted is valid everywhere. There can now be no doubt that the general rule is that a marriage is valid everywhere if it is valid where contracted. *Ross* v. *Ross,* 129 Mass. 243; *Roth* v. *Roth,* 104 Ill. 35; *Campbell* v. *Crampton,* 2 Fed. 417. There are, it is true, some recognized limitations. A state often forbids certain kinds of marriages. If citizens of such a state then go into a neighboring state for the express purpose of evading the law of the domicil and there contract a marriage, which is valid in that state, but prohibited by the law of their own state, and the marriage is later challenged in the courts of the domicil, there is not a uniformity of opinion as to its validity. By one line of authorities such a marriage is held valid on the ground that the policy of upholding marriage is of greater importance than the local state policy. *Van Voorhis* v. *Brintnall,* 86 N. Y. 18; *Medway* v. *Needham,* 16 Mass. 157; *State* v. *Hand,* 87 Neb. 189. This line of authorities would uphold the validity of such a marriage unless it was contrary to the law of nature as generally recognized, including cases such as polygamy, and those involving incest, *re Chase,* 26 R. I. 351, or else had been by statute positively declared void whether entered into at home or abroad. *Com.* v. *Lane,* 113 Mass. 458; *State* v. *Shattuck,* 69 Vt. 403;

State v. *Fenn,* 47 Wash. 561. Other states attach greater weight to the particular domestic policy than to the general policy of upholding marriages, and their courts have held such marriages void. *Pennegar* v. *State,* 87 Tenn. 244; *Lanham* v. *Lanham,* 136 Wis. 360. Illinois appears to follow this rule. HURD'S REV. STAT. Ch. 40, § 2, *Wilson* v. *Cook,* 256 Ill. 460. The Michigan court, therefore, came to the conclusion that defendant and Shirley were not husband and wife in Illinois.

It is, therefore, admitted that under the Illinois law the marriage is not recognized. But it is not challenged in Illinois but in Michigan where the marriage contract was entered into. There are two essential elements of the legal idea of marriage: (1) the contract of marriage, and (2) the marriage status. The marriage status is created by the marriage contract and continues in existence until it is dissolved by a divorce. It is difficult to see how the marriage contract can be successfully challenged in Michigan. Under the Michigan law the parties were not incapacitated to enter into a marriage contract, the Illinois statute can have no extra-territorial effect in Michigan, and no rule of state comity was suggested which required the Michigan court to recognize and enforce the prohibition of the Illinois law. It therefore follows that a marriage status was created. This status has not been dissolved and its existence presupposes a husband and a wife. Yet the court says: "It is impossible to defend the proposition that because the marriage ceremony was performed in this state she can claim here to be the wife of the defendant; that by mere removing of herself from her matrimonial domicile, in which she is no wife, she becomes, the state line being crossed, a wife in Michigan." The court's novel (and, it is to be hoped unique) suggestion that Illinois was the matrimonial domicile of the parties because they were not—and could not be—husband and wife in Illinois, adds another item to the long list of legal absurdities that have resulted from the abuse and misconception of the term "matrimonial domicile." See *Haddock* v. *Haddock,* 201 U. S. 562. The court further says: "If defendant and Shirley had intended to acquire, and had acquired, a domicile in Michigan before or at the time the marriage was celebrated, the validity of the marriage could not be here successfully questioned." The placing of the validity of the marriage in Michigan upon the question whether or not the parties acquired a matrimonial domicile in that state is certainly a novel test. No case has been found where such a test has been applied. J. G. C.

NEGLIGENT ASSAULT AND BATTERY.—A man driving an automobile negligently, but without direct intent to injure anyone, inflicts an injury upon another. If the victim dies within a year and a day as a result of the accident, the driver is guilty of manslaughter. *Schultz* v. *State,* 89 Neb. 34; *State* v. *Watson,* 216 Mo. 420; *State* v. *Goetz,* 83 Conn. 437; *State* v. *Campbell,* 82 Conn. 671. If the victim survives that period does any criminal responsibility attach to the negligent act? If the law is developed with any logic or symmetry in this respect, criminal responsibility, though of a lesser degree, must still attach to the act. And, if it is any crime among the specific crimes